

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO, :  
Plaintiff, : Case No.:C.A.-04-230-ERIE  
vs. : MAGISTRATE JUDGE BAXTER  
WILLIAM WOLFE, et al., : DISTIRCT JUDGE COHILL  
Defendants. :  
:

MOTION TO DENY DEFENDANTS RESPONSE

Plaintiff moves this Honorable Court to deny the Defendants the opportunity to respond to Plaintiff's motion to amend and supplement the complaint a second time, and in support avers:

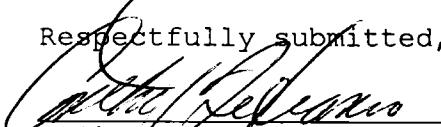
- 1). There is a motion to dismiss pending before this Court.
- 2). This Court gave the Defendants until on or **before** September 28, 2005 to file a response to Plaintiffs motion to amend (Doc. #115).
- 3). Today is October 3, 2005 and the Defendants have failed to file the response and it is asked that they now be precluded from filing. They have not filed as Ordered by this Court.

WHEREFORE, Plaintiff asks that this Court deny the Defendants from filing a response due to their non-compliance with the Court Order.

Date: October 3, 2005

CERTIFICATE OF SERVICE

Service of the foregoing was made by US First Class Mail this date to the Attorney General, 564 Forbes Ave., Pgh., Pa. 15219.

Respectfully submitted,  
  
Anthony DeFranco CZ3518  
10745 Route 18  
Albion, Pa. 16475-0002